

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MONIQUE GRIMES, as Personal  
Representative of the Estate of  
Damon Grimes, deceased

Plaintiff,

v

TROOPER MARK BESSNER,  
TROOPER ETHAN BERGER, and  
SGT. JACOB LISS,

Defendants.

No. 2:17-cv-12860

*consolidated with*

Case No. 17-cv-13580

HON. GERSHWIN A. DRAIN

MAG. ELIZABETH A. STAFFORD

---

Geoffrey N. Fieger (P30441)  
James J. Harrington IV (P65351)  
Danielle L. Dezbor (P79488)  
Stephanie L. Arndt (P66870)  
Fieger, Fieger, Kenney &  
Harrington, P.C.  
Attorneys for Plaintiff  
19390 W. 10 Mile Road  
Southfield, MI 48075  
(248) 355-5555  
g.fieger@fiiegerlaw.com  
j.harrington@fiiegerlaw.com  
d.dezbor@fiiegerlaw.com  
s.arndt@fiiegerlaw.com

John G. Fedynsky (P65232)  
Mark E. Donnelly (P39281)  
Joseph T. Froehlich (P71887)  
Assistant Attorneys General  
Attorneys for Defs. Berger and Liss  
Michigan Dep't of Attorney General  
State Operations Division  
P.O. Box 30754  
Lansing, MI 48909  
(517) 335-7573  
fedynskyj@michigan.gov  
donnellym@michigan.gov  
froehlichj1@michigan.gov

---

**Exhibit 4**

Excerpts of Thomas DeClercq's deposition transcript

DECLERCQ, DETECTIVE FIRST LIEUTENANT THOMAS

01/08/2019

Page 1

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF MICHIGAN

3 SOUTHERN DIVISION

4

5 MONIQUE GRIMES, as Personal

6 Representative of the Estate of

7 DAMON GRIMES, Deceased,

8 Plaintiff,

9 vs.

Case No. 17-cv-12860

10 Hon. Gershwin A. Drain

11 TROOPER MARK BESSNER,

12 TROOPER ETHAN BERGER, and

13 SGT JACOB LISS,

14 Defendants.

15 \_\_\_\_\_

16

17

18 The Deposition of

19 DETECTIVE FIRST LIEUTENANT THOMAS DECLERCQ,

20 Taken at 7150 Harris Drive,

21 Dimondale, Michigan,

22 Commencing at 12:10 p.m.,

23 Tuesday, January 8, 2019,

24 Before Corissa Bakko, CSR-8346.

25

DECLERCQ, DETECTIVE FIRST LIEUTENANT THOMAS

01/08/2019

Page 9

1 Q. All right. So as part -- just so I understand your  
2 role. You're a detective, yes?

3 A. I'm the commander of the special investigation  
4 section. I have 20-some detectives that work for me  
5 that I assign investigations.

6 Q. Did you have any, I guess, firsthand role in  
7 investigating this Grimes matter?

8 A. I was the officer in charge. I also assigned a lead  
9 detective sergeant, but ultimately I was responsible  
10 for this investigation.

11 Q. So as part of the officer in charge and in the context  
12 of subparagraph B14 and B15 of the deposition notice,  
13 did you ever look into whether or not either Trooper  
14 Bessner or Trooper Berger had ever received any type  
15 of psychological treatment in their life? Was that  
16 part of the scope of your investigation?

17 A. Not that I recall.

18 Q. What about any type of psychological counseling for  
19 anything that had happened while they were on duty for  
20 any reason?

21 A. Not that I recall.

22 Q. Okay. I'm sorry. Please continue with the deposition  
23 notice with the scope of, are there any other matters  
24 that you feel that you're not the person most  
25 knowledgeable on regarding the particular issues

DECLERCQ, DETECTIVE FIRST LIEUTENANT THOMAS

01/08/2019

Page 17

1 A. Okay. Looking at the totality of it, I do not believe  
2 he was attempting to be deceptive. I believe he was  
3 being truthful.

4 Q. Do you believe anybody --

5 A. I don't believe he was doing good police work. I  
6 don't believe that's the proper way for a sergeant to  
7 handle something, but I don't believe he was trying to  
8 be deceptive.

9 Q. Well, do you believe that anybody was being deceptive  
10 to him in any way?

11 A. I don't know.

12 Q. Well, you know that somebody gave him the wire, right?

13 A. Yeah.

14 Q. And do you know what was said -- let me rephrase.

15 Do you have an understanding as to what was  
16 said between the individual that provided the wire to  
17 Sergeant Jacob Liss and what he may have said back?

18 A. Not that I can recall.

19 Q. Do you think a sergeant with the Michigan State Police  
20 who is partially investigating a fatality where a  
21 Taser was used should know better than to throw away  
22 Taser wire that was used?

23 A. I absolutely agree with you on that.

24 Q. Do you think that there was an effort by certain  
25 individuals within the Michigan State Police to try to

DECLERCQ, DETECTIVE FIRST LIEUTENANT THOMAS

01/08/2019

Page 18

1 cover some of this -- some of the facts up that in  
2 fact a Taser was used in this incident?

3 A. No.

4 Q. Okay. And you say that with total confidence?

5 A. I say that looking at the totality of this  
6 investigation, I do not believe that there was a large  
7 cover-up. I believe some people did horrible police  
8 work. Certain procedures and policies were not  
9 followed. But looking at the investigation as a  
10 whole, from the original point of the dispatch to  
11 putting out over the radio that the person was Tased,  
12 to having a Detective Sergeant on scene handling the  
13 Taser wire but not knowing what it was, there was no  
14 effort to conceal Taser wire. Everyone saw it.  
15 Everyone saw them stepping on it.

16 So looking at this in the totality, no, I  
17 don't believe. Now, if somebody would have scooped  
18 that up and hidden it and it wasn't until the autopsy  
19 that we saw the probe, then I would have been on point  
20 that somebody was covering this up. But the fact that  
21 the radio transmission went out, there was no attempt  
22 to clean up the Taser wire, to hide the Taser wire, it  
23 was still out in the open, what I believe it was poor  
24 quality of police work.

25 Q. Would an attempt to clean up the Taser wire along the

DECLERCQ, DETECTIVE FIRST LIEUTENANT THOMAS

01/08/2019

Page 19

1 lines of a cover-up being removing the Taser probes  
2 from the individual's body, say, before emergency  
3 response gets there?

4 A. So you're asking me a hypothetical question?

5 Q. Hypothetically I want you to assume that prior to,  
6 say, investigative response from the MSP arriving at  
7 the scene, assume that somebody from the MSP was  
8 taking the probes out of the individual's body, would  
9 that be what you might classify as an attempt to cover  
10 up?

11 A. With the scenario you're bringing up, if somebody  
12 removed Taser probes and did not present them as  
13 evidence or to a supervisor, yes, but that's not the  
14 incident that occurred.

15 Q. Okay. Are you aware of any civilians who saw any of  
16 the MSP individuals trying to pull out what they  
17 believed to be consistent with Taser probes?

18 A. I am aware that statements were given, a statement by  
19 civilians, by witnesses that they were trying to  
20 pull -- or pull Taser probes out, but based on the  
21 autopsy results and the investigation, that is not  
22 accurate.

23 Q. Do you know if those witnesses were children or  
24 adults?

25 A. I believe the -- from the top of my head, I believe

DECLERCQ, DETECTIVE FIRST LIEUTENANT THOMAS

01/08/2019

Page 27

1 sergeant failed to notify the next level, who failed  
2 to notify the next level. I don't believe there was a  
3 cover-up.

4 If you think it was a cover-up, it was an  
5 absolutely lousy attempt to cover up based on the fact  
6 that Mark Bessner over the radio admitted to Taser  
7 him. Mark Bessner left Taser wire everywhere. The  
8 report indicates that a Taser was utilized. There  
9 was -- there was no attempt, in my opinion, at  
10 cover-up.

11 Q. You agree with me that when you're investigating a  
12 fatality like this, having all of the information as  
13 soon as possible is best practice?

14 A. Absolutely I agree with you.

15 Q. And having the information that a Taser was in fact  
16 used would have changed at least some of the  
17 investigation that was done on the date that this  
18 actually happened?

19 A. Absolutely I agree with you.

20 Q. Which would have or could have resulted in different  
21 types of evidence that would have been obtained, such  
22 as how you ask questions of witnesses maybe?

23 A. I agree with what you're saying. I do not believe the  
24 outcome would have been any different.

25 Q. Okay. But what I'm getting at is, there's -- when you

DECLERCQ, DETECTIVE FIRST LIEUTENANT THOMAS  
01/08/2019

Page 66

1 CERTIFICATE OF NOTARY

2 STATE OF MICHIGAN )

3 ) SS

4 COUNTY OF OAKLAND )

5

6 I, CORISSA BAKKO, certify that this

7 deposition was taken before me on the date

8 hereinbefore set forth; that the foregoing questions

9 and answers were recorded by me stenographically and

10 reduced to computer transcription; that this is a

11 true, full and correct transcript of my stenographic

12 notes so taken; and that I am not related to, nor of

13 counsel to, either party nor interested in the event

14 of this cause.

15

16

17

18

19

20

21

Corissa Bakko

22

CORISSA BAKKO, CSR-8346

23

Notary Public,

24

Oakland County, Michigan.

25

My Commission expires: October 4, 2022